



Legislation from the 2012 General Assembly session that impacts Connecticut's children

Prepared by the
Connecticut Commission on Children
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SB-0056

AN ACT CONCERNING CRITICAL CONGENITAL HEART DISEASE SCREENING FOR NEWBORN INFANTS

Starting January 1, 2013, this bill improves newborn healthcare by requiring all health care institutions caring for newborn infants to test them for critical congenital heart disease, unless, as allowed by law, their parents object on religious grounds. It requires the testing to be done as soon as medically appropriate. Like existing law that requires these institutions to test newborn infants for cystic fibrosis and severe combined immunodeficiency disease, the test for critical congenital heart disease is not part of the state's newborn screening program for genetic and metabolic disorders. That program, in addition to screening, directs parents of identified infants to counseling and treatment.

Status: signed by the governor on May 8, 2012 as Public Act 12-13

SB-0205

AN ACT CONCERNING INSURANCE COVERAGE FOR THE BIRTH-TO-THREE PROGRAM

This bill protects young children by preserving medically necessary early intervention (birth-to-three) service coverage when children need it most. The bill makes changes in the requirements for individual and group health insurance policies that provide coverage for these services provided as part of an individualized family service plan.

Current law prohibits payments for birth-to-three services from applying against any maximum lifetime or annual limit in the policy. The bill would further protect young children by prohibiting payments from causing:

1. a loss of benefits due to a policy limit;
2. an insured child or family member to be denied health insurance coverage; and
3. a policy rescission or cancellation.



Payments for birth-to-three services must be treated the same as other claim experience for premium rating purposes.

The bill also expands the list of policies that must provide birth-to-three coverage to include certain policies amended or continued in Connecticut, rather than only those delivered, issued, or renewed here.

Status: Signed by the governor on May 31 as Public Act 12-44

HB-5241

AN ACT CONCERNING DELAYED BIRTH REGISTRATION

This bill protects newborns by streamlining the process for requesting a delayed birth certificate, which is a birth certificate that is registered a year or more after a birth, through the Department of Public Health (DPH), rather than the town registrar of vital statistics. When someone's request for a delayed birth certificate has been denied, the bill allows the court to order DNA testing, making it easier to prove parentage.

Status: Signed by the governor on June 15 as Public Act 12-163

SB-0194

AN ACT CONCERNING JURY DUTY FOR BREASTFEEDING MOTHERS

This bill promotes and protects infant health by requiring the Judicial Branch to provide information on its website for prospective jurors regarding jury service, including (1) information for breastfeeding women regarding jury service postponement and (2) the jury administrator's contact information for a breastfeeding woman or other prospective juror to request a reasonable accommodation..

The bill also requires the jury administrator to provide training for his or her staff and court staff on discrete issues and policy for breastfeeding women who have been summoned for jury service, including reasonable accommodations for them.

Status: Signed by the governor on May 31 as Public Act 12-51

HB-5512

AN ACT CONCERNING THE REPORTING OF A MISSING CHILD

This bill protects disappeared children by making it a crime to knowingly fail to report the disappearance of a child under age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child's location or has not had contact with him or her for a 24-hour period. The crime is a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both.

Status: Signed by the governor on June 8 as Public Act 12-112



HB-5504

AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION OF A MINOR

This bill protects minors from commercial sexual exploitation. A human being, and where appropriate, a public or private corporation; limited liability company; or partnership commits this Class C felony by knowingly purchasing advertising space to advertise for a commercial sex act that includes a depiction of a minor (the bill does not define "minor," but presumably it means a person under age 18). The bill specifies that neither (1) lack of knowledge of the depicted person's age nor (2) reliance on a non-governmental representation are defenses.

It permits the accused to avoid conviction by proving he or she made a reasonable, bona fide attempt to ascertain the depicted person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

Class C felonies are punishable by imprisonment for up to 10 years, a fine of up to \$ 10,000, or both.

Status: Signed by the governor on June 15 as Public Act 12-141

HB-5347

AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION

This bill protects special education students from unreasonable or unnecessary seclusion or restraints by requiring local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion was in accordance with the child's individualized education program (IEP) or whether the use of either action was an emergency.

Under the bill, these entities cannot be required to report instances of in-school suspensions, as defined in the state's education law.

The bill also requires, rather than allows, the State Board of Education (SBE) to review the information on seclusion and restraints and summarize it, including whether such actions result in physical injuries to the child. The SBE must provide these summaries annually to the Children's Committee for inclusion in the children's report card.

Status: Signed by the governor on June 6 as Public Act 12-88

SB-0157

AN ACT REVISING THE DEFINITION OF A CHILD CARE FACILITY TO CONFORM WITH THE DEFINITION OF A CHILD

This bill extends access to child care facilities for young people by raising the maximum age of a person placed for the first time in a child care facility from under age 18 to under age 21. Currently, someone between ages 18 and 21 may be placed in such a facility only if he or she attends a secondary school, technical school, college, or state accredited job training program full-time and was first placed before his or her 18th birthday.

By law, child care facilities are congregate residential settings licensed by the Department of Children and Families (DCF). The DCF commissioner can petition a court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

Status: Signed by the governor on June 15 as Public Act 12-201

HB-5440

AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS AND OTHER PERSONS

This bill defines the circumstances under which a grandparent or other person may be granted the right to visit a minor. This bill requires a petitioner to include in his or her request, specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This would be a "real and substantial harm" similar to a claim that the minor is neglected or uncared-for under our child abuse laws.) Unlike most petitions, the

petitioner must swear that its allegations are true. Current law allows grandparents and other third parties to petition for the right to visit a minor; and the court may grant the request, subject to any equitable conditions and limitations.



The bill also:

1. establishes factors the court may consider when determining whether a parent-like relationship exists;
2. specifies visitation terms and conditions the court may set;
3. specifies that any visitation rights granted to a third party do not prevent a custodial parent from relocating; and
4. allows the court to order one party to pay the other's fees based on the individual's ability to pay.

Status: Signed by the governor on June 15 as Public Act 12-137

SB-0156

AN ACT CONCERNING SIBLING VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES

This bill helps keep young children together with their siblings by establishing minimum visitation requirements for separated siblings of children placed in Department of Children and

Families' (DCF) care and custody, including children in foster homes. Specifically, it requires the DCF commissioner, within available appropriations and provided the siblings live in the state and within 50 miles of each other, to ensure that visits occur, on average, at least once a week, unless the commissioner determines that allowing such frequent visits would not be in the siblings' best interests. When the commissioner makes such a determination, she must state her reasons in the child's treatment plan.

The bill requires the commissioner to report by October 1 annually to the Select Committee on Children data sufficient to demonstrate DCF has complied with the entire sibling visitation law.

The bill also requires the DCF commissioner to meet with members of each Youth Advisory Board to get recommendations for creating a "Sibling Bill of Rights." DCF must incorporate the final version of this document into department policy and share it with children placed in its care and custody.

Status: Signed by the governor on June 6 as Public Act 12-71

SB-0294

AN ACT CONCERNING CHILDREN AND THE DEPARTMENT OF CHILDREN AND FAMILIES

This bill ensures that children in foster care are visited more regularly by the DCF commissioner or his/her agent to promote the child's safety and his or her physical, educational, moral, and emotional development. By law, the Department of Children and Families (DCF) commissioner or any agent she appoints must carefully supervise children under her guardianship and care. The commissioner or agent must maintain contact with the child and the child's foster family. This bill requires the commissioner or agent to visit each foster home at least once every 60 days.

The bill also requires the commissioner, within 60 days after a child or youth with behavioral health needs is placed in DCF care and custody, to visit the family home or homes of such child or youth. The purpose of the visit is, at a minimum, to (1) assess the potential causes of the child's behavioral health needs, including genetic and familial factors and (2) determine the resources needed to best treat the child.

Finally, the bill requires a form for families to use when submitting special requests to DCF on the child's behalf and, a response to these requests within five business days or the requests are deemed approved. Special requests include asking that a foster child be allowed to travel overnight or out-of-state with his or her foster family.

Status: Signed by the governor on May 31 as Public Act 12-58

HB-5217

AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

This bill streamlines the adoption process by allowing the Department of Children and Families (DCF) to file adoption petitions in the Superior Court, instead of the probate court, when the prospective adoptive child's biological parents' rights have been terminated by that court. However, the law, unchanged by the bill, still requires these petitions to be filed in probate court, thus it is not clear whether the Superior Court adoptions would be legally binding.

The bill sets up a parallel process for superior court adoption proceedings. It requires that all of the studies and other court documents filed in the termination proceedings be made available to the court and requires DCF to prepare a social study similar to what it currently prepares for the probate court. The study is admissible in evidence, and the person preparing it is subject to examination in court.

The bill requires the Superior Court to (1) set times and dates for hearings on these petitions and (2) provide notice to the parties to the agreement and certain others. It entitles the adoptive parent to access records and other information relating to the child's history, provided these records are disclosed in accordance with the confidentiality laws. The bill also eliminates a requirement relative to probate court adoptions.

The bill also makes several changes in other law governing DCF. It:

1. changes the appointing authority and composition of the State Advisory Council on Children and Families and increases the number of consecutive terms members may serve;
2. directs the DCF commissioner, instead of the council, to appoint certain members of the Children's Behavioral Health Advisory Committee;
3. allows additional DCF records to be disclosed without the consent of the person who is the subject of the record, and places additional limits on how DCF records that are legally disclosable can be further disclosed;
4. requires individuals who falsely report child abuse or neglect to be referred to the chief state's attorney for criminal investigation; and
5. exempts DCF attorneys from having to pay certain court fees.

Status: Signed by the governor on June 6 as Public Act 12-82

SB-0039

AN ACT CONCERNING REQUIREMENTS FOR EARLY CHILDHOOD EDUCATORS

This bill strengthens early childhood education by improving professional training for early childhood educators. It (1) modifies (a) the types of schools from which individuals may earn a qualifying degree and (b) the programs to which the requirements apply; (2) requires staff members who are exempt from meeting the qualifications and who accept employment with a different school readiness program to submit documentation on their progress toward the qualifications; and (3) requires individual staff members, rather than school readiness programs, to apply for any unexpended school readiness funds. It also makes conforming changes.

*Senate Amendment "A" specifies that the spaces in child day care or school readiness programs must be infant, toddler, and preschool spaces.

Status: Signed by the governor on May 31 as Public Act 12-50



SB-0382

AN ACT CONCERNING TEACHER CERTIFICATION

This bill strengthens early learning in that it, with one exception, prohibits teachers who receive an elementary education endorsement on or after July 1, 2013 from using that endorsement to teach kindergarten. It thus requires them to obtain an early childhood nursery through grade three endorsement in order to teach kindergarten. Under the bill, elementary education endorsements issued on or after July 1, 2013 are, with one exception, valid only for grades one through six.

The bill allows individuals to teach kindergarten with an elementary education endorsement issued after July 1, 2013 if they (1) have been admitted to a teacher preparation program in the elementary education endorsement area on or before the start of the 2012 fall semester, (2) successfully complete the program, and (3) receive the endorsement by July 1, 2017.

*Senate Amendment "A" adds the exception for individuals admitted to teacher preparation programs.

Status: Signed by the governor on May 31 as Public Act 12-63

HB-5353

AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION

This bill makes several positive changes to the state's special education law. It:

1. requires additional opportunities for meetings and the exchange of information between school district officials and parents of students in, or under evaluation for, special education;
2. requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training regarding implementing individualized education programs (IEPs); and
3. specifies the school district eligible for special education excess cost grant money in different circumstances when a child is placed in a school district other than his or her district of origin.

It also requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's planning and placement team (PPT). It specifies a number of items that the plan must include. The bill does not appear to expand current requirements under state law and regulation, but it adds specifics to state law.

Status: Signed by the governor on June 15 as Public Act 12-173

SB-0384

AN ACT CONCERNING TEACHER PREPARATION

This bill ensures that Connecticut students receive the best possible education by ensuring that teachers are better prepared to teach upon graduating from a teacher preparation program. The State Board of Education, in consultation with the Board of Regents for Higher Education, shall study issues and issue a report to the Education Committee concerning teacher preparation, including the possibility of requiring (1) every student enrolled in a program of teacher preparation to (A) spend a minimum number of hours student teaching, including a certain number of hours working with special education and gifted students, and (B) complete coursework concerning parental involvement in a child's education and cultural issues that may affect a student's learning environment, (2) any candidate entering such a program to possess a minimum cumulative grade point average of 3.00, (3) any candidate entering such a program to meet the requirements of the academic program in the subject area in which such student plans to teach, and (4) each institution of higher education offering such a program to annually provide each teacher candidate with information regarding subject and geographic areas in

which a teacher shortage exists, and encourage each such candidate to take teaching jobs in such subject and geographic areas.

Status: Signed by the governor on June 15 as Special Act 12-3

HB-5350

AN ACT CONCERNING ACHIEVING UNIVERSAL LITERACY BY GRADE THREE (Reading Bill Included in Education Bill)

This bill includes landmark reforms in early literacy training and education which were eventually incorporated in the Governor's education reform bill (SB-0458).

The statewide reforms in reading include:

- Definition of scientifically-based reading research and instruction.
- Delineates quality of reading assessment tools to be developed or approved by 1/1/13 and allows for other options than what currently exists.
- Targets disproportionate and inappropriate identification of minority students into Special Education with attention to improved reading interventions and assessment. (40% of referrals to special Ed are deemed to be because students were not taught to read).
- Creates a professional development system for teachers and principals in reading by 2013.
- Requires a coordinated state-wide reading plan by SDE by July 1, 2013.
- Requires pre-service special education and reading specialists to take the test in reading before teaching in our state.
- Provides incentives for schools that improve their reading performance trend.
- Adds the design and approval of a higher education class this is practice-focused on pre-literacy and language skills for teachers in early childhood education.
- Requires sharing of information between pre-k and kindergarten regarding a child's language and vocabulary skills, beginning a transition to a school communication model focused on early literacy.

- Teachers K-3 will take practice tests and the results will be reported by the local Boards of Education to SDE. (This can be aligned with the professional development section, using their scores, disaggregated by section, to improve professional development for teachers in reading).

Selected Schools

- Creates an intensive reading instruction program for five low performing schools selected by the Commissioner, which includes an intensive intervention strategy for students reading below proficiency.
- Interventions include: a) one external literacy coach per school, b) four reading interventionists per school, c) rigorous assessments, d) research-based interventions, e) teacher and principal training in proven reading instruction, f) summer school with specific components. Includes g) how to inform parents on their child's reading progress, reading remediation plans and what they can do at home and h) progress reports to the Education Committee.
- Allows for a continuation of an intensive reading instruction program year by year, with five schools per year.

Status: Incorporated into SB-0458 (see below)

SB-458

AN ACT CONCERNING EDUCATIONAL REFORM

This bill contained a host of changes to Connecticut's education system, including the provisions of HB-5350, explained immediately above. See [Appendix A](#) for a state Department of Education overview of the bill's other components.

Status: Signed by the governor on May 14 as Public Act 12-116

SB-0383

AN ACT CONCERNING MANUFACTURING INTERNSHIPS

The bill expands work opportunities for youth by allowing minors to work in hazardous duty jobs while participating in a manufacturing or mechanical internship in any manufacturing or mechanical establishment. It defines an internship as supervised practical training of a high school student or recent graduate that is approved by a (1) certified school administrator from the student or graduate's school or (2) the state Department of Education (SDE).

Status: Signed by the governor on June 15 as Public Act 12-154

JOBS & ECONOMIC DEVELOPMENT



SB-0291

AN ACT ESTABLISHING A YOUTH EMPLOYMENT SYSTEM

This bill requires a series of youth employment strategies to bolster youth employment, addressing the current record high unemployment rate of youth and young adults, and addressing our aging demographics and the importance of urban centers as hubs for youth employment. This would help young people find the much-needed job training and skills necessary for successful employment.

Finally, SB-0291 as amended goes the extra step by clarifying that tax credits are available for employers that hire young adults.

Status: Incorporated in the state budget bill, which the governor signed on June 15 as Public Act 12-01

SB-0340

AN ACT CONCERNING THE USE BY STATE EMPLOYEES OF SERVICES PROVIDED BY CONNECTICUT TECHNICAL HIGH SCHOOL SYSTEM STUDENTS

This bill expands opportunities for vocational-technical students by authorizing public officials, state employees, their immediate family members, and businesses with which they are associated to contract with the regional vocational-technical (V-T) school system for its students

to perform services in conjunction with their vocational, technical, or technological education and training. It requires the superintendent of the regional V-T system to establish an open and transparent process for reviewing any such contract.

With certain exceptions, the Code of Ethics prohibits public officials, state employees, their immediate family members, and businesses with which they are associated from entering into a state contract valued at \$ 100 or more.

Status: Signed by the governor on June 15 as Public Act 12-206

HB-5312

AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS AND PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE

This bill would improve the quality of service of certain family child care providers and personal care attendants (PCAs) by allowing them to collectively bargain with the state through an employee organization (i. e. , a union) over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities.

Status: signed by the governor on May 14, 2012 as Public Act 12-33

Questions? Contact Steven Hernández, director of public policy and research for the Connecticut Commission on Children, at (860) 240-0075 or steven.hernandez@cga.ct.gov.

APPENDIX A

The following is a state Department of Education overview of [SB-458](#), An Act Concerning Education Reform.

The 6 Principles of the Education Reform Package & the Final Legislation

Principle #1: Enhances families' access to high-quality early childhood education opportunities.

- The final bill provides increased access to high quality pre-school with the creation of 1000 new pre-K School Readiness seats, focused in high need, low performing communities.

Principle #2: Authorizes the intensive interventions and enables the supports necessary to turn around Connecticut's lowest-performing schools and districts.

- The final legislation establishes the Commissioner's Network, enabling the State to provide the intensive supports and interventions needed to turn around 25 of the most chronically low-performing schools in Connecticut.
- It provides for the possibility that a subset of Commissioner's Network schools can partner with any of the State's Regional Education Service Centers (RESCs), universities, or non-profit entities including charter management organizations to raise student achievement.
- The legislation calls for each turnaround school to convene a Turnaround Committee made up of teachers, parents, and administrators to develop and submit a consensus plan for consideration by the Commissioner of Education.
- Under the legislation, the Education Commissioner has the authority to develop or modify plans with teachers and parents at the turnaround school. The bill also creates an ambitious pilot program to enhance literacy for students in kindergarten through third grade.
- Over the 2012-13 school year, the State Department of Education will build its Turnaround Team and begin the planning process for the main cohort of Network schools.

Principle #3: Expands the availability of high-quality school models, including traditional schools, magnets, charters, and others.

- State Charters: The final bill provides significant new funding for the state's underfunded state charter schools, while requiring enhanced accountability. The bill enables new charters to be opened in the state's lowest-performing districts.
 - State Charter funding will rise from the current \$9,400 per pupil to \$10,500 per pupil in 2012-13; \$11,000 per pupil in 2013-14; and \$11,500 per pupil in 2014-15.
 - State charters will be required to submit a recruitment and retention plan detailing efforts to serve priority student populations. The State Board will hold schools accountable for adherence to these plans.
 - The bill requires the State Department of Education to endeavor to launch two charter schools focused on dual language programs and English language acquisition in the coming years.
- Local Charters: The final bill strengthens the currently underutilized local charter school law in low-performing districts, thereby encouraging local districts to open a local charter schools and increase parent choice.
 - Local boards of education that reach agreement with their bargaining unit on the implementation of staffing flexibility models, and which submit high-quality turnaround plans, will be eligible for \$500,000 startup grants and \$3000 per pupil operating grants.
- Agricultural Science Schools: The bill provides significant new funding for agricultural science schools (a \$1,425,000 increase).
- Magnet Schools & Technical High Schools: Additional funding is provided for both magnet schools and technical high schools.

Principle #4: Unleashes innovation by removing red tape and other barriers to success, especially in high-performing schools and districts.

- As a preliminary step, the State Department of Education will reduce the number of data forms it requires school districts to complete by one-third.

- The Governor will soon announce the formation of a Red Tape Review Task Force that will propose ways for the State to reduce the regulatory burden on districts.
- In Connecticut's ESEA waiver application, high-performing and high-progress schools are granted greater flexibility.

Principle #5: Ensures that our schools are home to the very best teachers and principals – working within a fair system that values skill and effectiveness over seniority and tenure.

- The final bill requires annual performance evaluations of principals, administrators, and teachers, based upon the consensus framework developed by the Performance Evaluation Advisory Council.
- The bill strengthens professional development for educators, requiring job-embedded coaching as the predominant form of training.
- Excellent teachers will now be eligible for a “distinguished educator” designation.
- Over the coming year, the bill provides that the evaluation and support system will be piloted in a diverse group of 8-10 school districts, followed by state-wide implementation.
- The bill improves and reforms the state's tenure statute. These changes will ensure that (1) tenure is earned by effective teachers, (2) ineffectiveness -- not merely incompetence -- is the standard of dismissal, and (3) that dismissal proceedings will be fair, speedy, and manageable. Specifically:
 - Tenure will be awarded on the basis of effective practice as informed by the new system of evaluation.
 - Ineffective teachers may be terminated.
 - Termination hearings will focus on whether the evaluation ratings are in accordance with the new evaluation program and are reasonable.
 - Termination hearings must occur within tighter timeframes and, for the first time places limits on the hours of evidence and testimony.

Principle #6: Delivers more resources, targeted to districts with the greatest need – provided that they embrace key reforms that position our students for success.

- The final bill and budget provides significant new funding to the Alliance Districts -- the 30 lowest-performing districts in the state.
- Of \$50M in proposed increased ECS funding, \$39.5M is channeled to these 30 districts.
- The bill introduces a new level of accountability into funding for low-performing districts. To receive augmented ECS aid, the low-performing or Alliance Districts must embrace reform strategies, such as implementation of tiered interventions in their schools, extended learning time, strengthened reading programs for elementary school students, coordinated wraparound services for students, and the implementation of strategies to attract top teaching and principal talent. The State Department of Education will review and approve district plans before the new funding is disbursed.
- The bill provides a common and public budgetary template for all districts and schools (a common chart of accounts), which will enhance transparency for state & local education spending.